

APPENDIX I

This Appendix presents the Army's responses to comments on its draft EIS for disposal and reuse of the JPG. The Comments to which these responses correspond are presented in Appendix H.

Six topics are predominant among the Comments received from individuals, private organizations, and public agencies: (1) hazardous waste, (2) analytic approach, (3) level of detail, (4) Community Environmental Response Facilitation Act (CERFA) report status, (5) depleted uranium (DU), and (6) caves. The following discussions on each of these six topics provide the Army's responses to questions raised about them.

Hazardous Waste. This EIS has been undertaken to examine the environmental impacts of encumbered disposal, unencumbered disposal, and a no action alternative, as well as the impacts of high, medium, and low intensity reuse of the JPG. This EIS does not serve as the decision making mechanism for determination of proposals related to remediation of hazardous waste sites. Information about the hazardous waste sites is included because it is essential to an understanding of how the Army may best carry out the intent of the President's Five Point Plan, which is designed to return the facility to productive, non-military use. The Army is committed to its obligations under the various laws discussed in section 1.5.2, including those pertaining to remediation of hazardous waste sites resulting from decades of use of the installation. As indicated in section 2.2.3 and 4.14 of the EIS, remediation actions are underway but not yet, complete. Remedial action decision making is beyond the scope of this document.

The fact that cleanup actions are beyond the scope of this document does not diminish the Army's commitment to conduct required remedial actions or to keep the public informed of progress on a timely basis. As indicated in section 1.4.7 of the EIS, there will be opportunity for continued agency and public input into and review of decisions concerning the cleanup process. As additional data are gathered and evaluated, the Army will continue to take appropriate measures protective of human health and the environment. As characterization and cleanup of hazardous waste sites proceeds, the Army will appropriately implement groundwater monitoring and sampling programs, in addition to those noted in section 4.13.2 as being already underway.

Information on remedial action sites is included in the EIS for several reasons. Foremost, the nature and number of the sites requiring remedial action are believed to have a substantial effect on the availability for reuse of the installation's land and facilities. Appendix G provides a useful summary for estimating the extent of known remedial sites and areas that potentially will be required to undergo remediation. As reuse, plans become better defined, and as remedial actions progress, it is expected that future owners will obtain more timely and detailed information.

The level of detail and degree of quantitative analysis are sufficient to permit informed decision making on the proposed action. Inclusion in the EIS of references to the types and extent of contamination provides quantitative data. No showing is made that additional information would materially improve the disposal decision making process. The Army recognizes that certain matters are not presented in detail in this document. For instance, risk analyses and costs for cleanup of UXO and DU contamination, detailed examination of the potential for contaminant migration, and identification of probable cleanup technologies are not provided. Evaluation and decision-making for potential hazardous waste sites north of the firing line are beyond the scope of this EIS for disposal and reuse of the JPG. Recognition of UXO and hazardous waste sites as encumbrances to disposal frames issues for disposal and reuse decision-making. The Army is vested with discretion to determine the priorities for its hazardous waste site

remediation efforts ; to date, focus has been on areas south of the firing line.

The Army recognizes the importance of measures respecting hazardous waste but does not consider their detailed inclusion in this document essential to the issues at hand. As additional data are gathered and evaluated in the cleanup process, the Army will continue to take appropriate steps to protect human health and the environment. Those actions will be coordinated with the installation Restoration Advisory Board and appropriate regulatory agencies (both federal and state, having CERCLA and RCRA cognizance), and they will involve opportunity for public information and input.

Analytic Approach. The analytic framework of encumbered and unencumbered disposal and caretaker status that the Army has used in this document is believed to provide useful information on how to proceed with disposal. As described in section 2.4 of the EIS, reuse of the JPG is viewed as being connected to the Army's disposal of the facility. Upon the Army's taking the primary action of disposal, the community or other entity would take the secondary action of reuse. The Army has carefully developed its approach to evaluation of reasonably foreseeable impacts that may occur as a result of reuse of Army property. Analysis of high, medium, and low intensity reuses provides the Army and the public with valuable information regarding the entire spectrum of potential environmental impacts.

Army policy with respect to analysis of a community's reuse plan is to consider that reuse plan in its environmental impacts analysis documentation. The Army has incorporated the community reuse plan to the extent possible in the EIS. That plan, extracts of which appear in Appendix B to the EIS, represents diverse uses to which the JPG property might be put. The community reuse plan generally describes possible uses; the Army has incorporated to the extent feasible several of the community's major desires. This is evident by comparing the addendum to the community reuse plan and the formulation of the reuse studies areas set out in section 2.4.1.

Appendix B demonstrates the array of possible reuses offered by the communities in the vicinity of the JPG. The general proposals for reuses and their indefinite locations are insufficiently detailed to support analyses that would be useful to parties attempting to implement those reuse scenarios. The Army's opting to use analysis based on high, medium, and low intensity reuse does, however, permit the reaching of useful conclusions. For instance, a proposal estimated to constitute a medium intensity reuse of a given study area is, through this examination of potential environmental impacts, amenable to evaluating its desirability. Table 3-3 indicates the range of reuse intensities analyzed in the EIS for each of the Study Areas. Impacts are analyzed in section 5.5 based on intensity levels rather than specific land use activities that might occur in any particular Study Area.

This analytic approach for the proposed action and the community's reuse of the installation are consistent with applicable regulatory requirements. The Army has developed specific details of this approach in consultation with the Council on Environmental Quality and the Environmental Protection Agency.

Level of Detail. In preparing this EIS, the Army has considered a substantial amount of information provided by many sources. Relevant information in this document pertaining to disposal and reuse does not reflect all the information gathered and reviewed or all that might be included. The Army recognizes that there is a vast amount of information that could have been included in this EIS. Reporting all available information is at best of marginal utility and at worst wasteful of time, energy, and money.

Inclusion of all possible data must be weighed against the need for maintaining conciseness and readability. Consistent with CEQ Regulations, Part 1500.4, the Army has sought to avoid an encyclopedic document in favor of one that addresses relevant issues, particularly those bearing on disposal and reuse. The Army believes that the EIS is appropriately organized and contains a level, of

detail that provides the foundation for informed decisions concerning disposal alternatives and for evaluation of reuse.

Several commenters have suggested the inclusion of additional information in the EIS. The Army recognizes that the value of such information varies widely but disagrees that its inclusion is helpful to determination of the issues at hand. In many cases, suggestions for additional information pertain to matters explicitly determined to be beyond the scope of this document. In some other cases, the inclusion of suggested additional information must be balanced against the need for focused inquiry allowing the decision maker and the public to concentrate on those matters of greatest importance.

Matters that the Army has considered but, as noted, declines to include in this EIS relate to: evaluation of water quality at stream crossings; description of RCRA corrective actions; locations and descriptions of open burning/open detonation sites; description of past activities, including past training, performed at the JPG; description of karst features; geologic maps showing cross-sections, exposed formations; maps depicting all units potentially exposed to contamination; maps depicting current well locations; listings of tested munitions; information on water hardness due possibly to elevated sulphur levels; information on any pump tests that have been performed to verify permeability of geological units; information on past use of groundwater relative to old wells north of the firing line; the ecological value of the JPG relative to regional ecological values; description of recreational accidents; description of UXO incidents; and a listing of all properties that are immediately adjacent to the JPG. It is noted that information on some of these matters may be found in references cited in Chapter 8.

The baseline conditions of the JPG are adequately described to permit analysis of potential environmental impacts and to permit informed decision making concerning disposal of the facility and reuse. The Army recognizes that all aspects of baseline conditions could be described in more detail. In the final analysis, however, the Army is constrained to select that level of detail sufficient to provide what is relevant to the public and the decision maker without creating the kind of compendium shunned by CEQ regulations.

CERFA Report Status. Section 4.14.2 of the draft EIS addresses the *Final Community Environmental Response Facilitation Act (CERFA) Report for the JPG*.

In April 1994, the Army requested the Indiana Department of Environmental Management's concurrence on the Final CERFA Report. Asserting impossibility to review the report in the brief time frame requested, the state agency cited its nonconcurrence in the draft CERFA Report and withheld concurrence of the Final CERFA Report pending further review on a prioritized basis.

In January 1995, the IDEM provided the Army the results of its review of the Final CERFA Report. The IDEM disagreed with, sought additional information concerning, or recommended corrections to 20 elements of information in the Final CERFA Report. The IDEM implicitly withheld its concurrence in the Final CERFA Report pending clarifications to be provided by the Army, and the IDEM proposed meetings to resolve outstanding issues identified by the IDEM.

Following coordination between the Army and the IDEM, in May 1995, the Army provided the IDEM updated information on its efforts to comply with the State's objections to the Final CERFA Report. The Army notified the IDEM of efforts to secure qualified contractor assistance to address issues identified by the IDEM. The contractor's work is to be coordinated with the Base Realignment and Closure (BRAC) Cleanup Team at the JPG and actions will be documented in the BRAC Cleanup Plan.

As additional work proceeds with respect to the Final CERFA Report, the Army will continue to respond to the views of Federal and state agencies as it carries out its obligations to take appropriate measures

to protect human health and the environment.

Depleted Uranium. The Army's operations at its Depleted Uranium Firing Range have been conducted in accordance with the license issued by the Nuclear Regulatory Commission. As required by that license, the Army will propose a decommissioning plan to the Nuclear Regulatory Commission to identify cleanup methodologies. Upon approval and until completion of execution of such plan, the Army will continue to ensure continued protection of human health and the environment by taking, at a minimum, the same types of precautionary measures as have been employed over the past decade of the range's use.

This EIS does not serve as the decision making mechanism for determination of issues related to DU. As in the case of hazardous waste sites, mitigation and applicable technologies concerning DU contamination are beyond the scope of the EIS for disposal and reuse of the JPG. The Army recognizes the importance of applicable cleanup technologies and intends to take all appropriate measures. Given the present uncertainty of the resolutions that may ultimately be reached, the Army believes that recognition of DU as an encumbrance is protective of human health and the environment.

By letter dated February 17, 1995, to the NRC, the Army requested a restricted reuse termination of the JPG DU license for the DU impact area. The NRC is now preparing an EIS to address this issue. The Army anticipates that the EIS being prepared by the NRC will indicate, as a function of the expertise of that agency, useful strategies that may be employed effectively for DU at the JPG.

The Army expects that the potential, if any, for migration of DU will be addressed in its firing range closure plan. It is not believed that operation of the range to date, which has resulted in the deposit of less than one-third the amount of DU allowed under its operating permit, has presented any substantial issue of migration to pose a risk to human health or the environment.

The selection and implementation of institutional and engineering controls to safeguard against DU exposures will be determined in accordance with guidance from the NRC as it determines procedures for decommissioning of the range. Consideration in this EIS of specific controls or of the potential for failure of controls which have not been formulated is premature.

Caves. According to the *Jefferson Proving Ground Fish and Wildlife Management Plan September 1994*, the JPG has an extensive karst system which has not yet been documented or surveyed.

Members of the Indiana Karst Conservancy have conducted limited surveying and mapping of the cave system. Several caves have been mapped, and several more have been located. While early efforts focused on the vicinity of Big Creek, caves have been found near all of the major watercourses at the JPG. In some instances the caves are large enough for a person to sit up and, in rare instances, large enough to permit a person to stand. Most of the caves begin as sinkholes or depressions, and water in them runs toward the creek with which they associated.

The leader of the 1994 exploration team reported that the caves are affected by wet weather and without much notice can flood to dangerous levels. All of the JPG's caves have good air flow and support many varieties of biological resources (chiefly mammals, reptiles, and insects).

Specific Responses

1. Please see the discussion of *Hazardous Waste*.

2. Comment noted.

3. Please see the discussions of *Hazardous Waste* and *Level of Detail*.

4. None of the reuse alternatives envision residential use in or near the depleted uranium impact area. The Los Alamos National Laboratory study cited in the EIS evaluated a hypothetical situation that is neither feasible nor contemplated. As a practical matter there is no reasonable likelihood of exposure to humans in excess of the threshold cited.

5. The Draft Concept Plan of March 2, 1995 is now added to Appendix C to the EIS to give additional information on the potential reuse of the JPG by the USFWS.

6. Comment noted.

7. It is within the discretion of the USFWS to request transfer of JPG property for use as a wildlife refuge. The ultimate outcome of the transfer request cannot presently be predicted. Uses or areas other than those requested by the USFWS will, ultimately, be in the discretion of other agencies or entities responsible for their use. The balance of uses within the localities, the region, or the state are beyond the control of the Army.

8. Please see the discussion of *Analytic Approach*.

9. Please see the discussion of *Level of Detail*.

10. Please see the discussions of *Hazardous Waste* and *Depleted Uranium*.

11. Please see the discussion of *Depleted Uranium*.

12. Please see the discussion of *Hazardous Waste*.

13. Please see the discussion of *Depleted Uranium*.

14. Please see the discussion of *Depleted Uranium*.

15. The conditions of transfer of JPG property from the Army to USFWS will be as mutually agreed between the agencies. The USFWS will be accorded the opportunity to be as aware of conditions of the property north of the firing line as the Army during negotiations.

16. Please see the discussion of *Hazardous Waste*.

17. Please see the discussion of *Hazardous Waste*.

18. The conditions of transfer shall be as mutually agreed between the Army and the USFWS. The Army would be pleased to recommend encumbrances and land management considerations that the USFWS could adopt, but recognizes the receiving agency's discretion once the transfer of property accountability is complete. (No references to "Environmental Protection Act" certifications can be found in the EIS.)

19. The Army believes it is responsible for public health and safety related to UXO regardless of the alternative selected.

20. Please refer to section 2.3 which explicitly recognizes the Army's obligations regarding the cited activities.

21. On July 14, 1993 and again in July 1994, the Bloomington Indiana field office provided letters containing detailed consultation and advice on species and habitat protection at the JPG.
22. Discussions of the two cited Executive Orders have been added to section 1.5.2.
23. Section 4.15 is enlarged to provide for an encumbrance pertaining to the protection of endangered species.
24. The discussion of a Reversionary Clauses encumbrance provided in section 4.15 does not list in their entirety the potential restrictions to development that have been negotiated thus far between USFWS and local planners. The Jefferson Proving Ground Regional Development Board no longer exists as the entity representing local counties' interests; specific content of future restrictions remain to be determined, as there may be additional negotiations.
25. Current policies at JPG permit limited numbers of recreational users north of the firing line. Such recreational use is closely controlled as to time, place, and type of activity. Absent complete remediation of UXO, the difficulties of which are presented in section 4.14.3, similar kinds of restrictive measures due to the presence of UXO would be required in the future.
26. The listing of mussels is added to Appendix F.
27. The conclusion that there would be beneficial impacts by leaving UXO in place is based on evaluation of habitat destruction in recovering the UXO versus habitat maintenance in not recovering UXO.
28. Even at presumed full build out to obtain a level characterizable as high intensity reuse there would be provision for recreational, conservancy, and natural resource values. In light of these set asides common to land use planning, it is believed that there would not be any additional impacts to the cited species.
29. In response to a request for guidance by the JPG on June 8, 1993, the State Historic Preservation Officer on July 20, 1993, determined that the referenced project sites were not eligible for inclusion in the National Register of Historic Places.
30. The Cultural Resources Management Plan is an Army planning document that is non-binding on any other agency, entity, or person. As noted in section 4.15, objectives supported by the Cultural Resources Management Plan would be achieved after disposal by institution of encumbrances subjecting future land use to restrictions protective of archaeological resources or sites eligible for inclusion in the National Register of Historic Places.
31. The MOA is intended where feasible to pass on to successor owners the same kinds of obligations under the National Historic Preservation Act as would be applicable to the Army, a Federal agency. Interdepartmental transfer of portions of the JPG to the USFWS would in no way diminish the USFWS's obligations under the National Historic Preservation Act. Please see section IIIA of the MOA at Appendix D.
32. Please refer to section 2.3 which indicates Army policy for inactive facilities and areas. The policy accommodates the Army's obligations to maintain historic resources.
33. The Army may, as part of its ongoing caretaker function, determine the desirability of continuing the controlled deer hunting programs to manage deer populations that impair natural resources management goals.
34. The address for the USFWS has been corrected at page 7-1.

35. The Army declines to speculate on future Congressional appropriations, the purposes to which they may be used, or the conditions under which recipients may quality.

36. The Draft Concept Plan of March 2, 1995, is now added to Appendix C to give additional information on the potential reuse of the JPG by the USFWS.

37. Please see the discussion of *CERFA Report Status*.

38. Comment noted.

39. Please see the discussion of *Hazardous Waste*.

40. Comment noted.

41. The likelihood of increased poaching and trespassing is speculative. As stated in section 2.3, the Army will provide security for the installation.

42. Detailed hazardous waste site remedial action studies have not been conducted of areas north of the firing line. There have, however, been studies related to biological resources and cultural resources, both north and south of the firing line. These form the basis of the data and analysis throughout the document.

43. Text material at section 3.3.2 is intended to be explanatory. The need for or duration of monitoring cannot be precisely foreseen. Specific responses to encumbrances may have to be developed for each case.

44. Figure 4-11 b ("Identification of CERFA Parcels (South of Firing Line)") and Figure 4-12 ("Estimated Distribution of UXO") represent the Army's judgment as to the location and concentration of UXO at the time of this study's preparation. Figure 4-11 b identifies several SWMU's south of the firing line such as the gator mine range in the southeastern portion of the cantonment area. The purpose of these maps is to identify the known locations of waste, to include areas of UXO.

45. Sections 2.2.3 and 4.14.2 address the ongoing RI/FS, indicating that the studies pertain to hazardous waste sites located south of the firing line. There is no need to further identify the RI/FS by adding "South of the Firing Line."

46. Please see the discussion of *Hazardous Waste*. Cessation of operations and regulatory closure actions for Building 305, a temporary storage area for hazardous waste, represent a degree of detail not likely to materially aid decision making for disposal and reuse.

47. Please see the discussion of *CERFA Report Status*.

48. Please see the discussion of *CERFA Report Status*.

49. Please see the discussion of *Hazardous Waste*.

50. The final paragraph of section 4.14.4 recites the conclusions of the Los Alamos National Laboratory's report *Depleted Uranium Human Health Risk Assessment, Jefferson Proving Ground*. Inclusion of all background data, calculations, assumptions, and other factors constitutes greater detail than is useful to decision making for the proposed action.

51. As provided in section 2.3, the Army is responsible for caretaker functions.

52. Please see the discussion of *Hazardous Waste*.

53. Appendix A is a copy of the Notice -of Intent to prepare an environment impact statement, published in the *Federal Register* on December 30, 1992. It provides notice to the public that "...the Army will assess the environmental and socioeconomic impacts of disposal and reuse of the JPG." Consistent with CEQ Regulations, the Army has provided opportunity to comment on this draft EIS, and the Army conducted a public meeting to allow the public opportunity to express its opinions about the draft EIS on April 25, 1995.

54. The proposed action is disposal of the JPG. The community reuse plan is not a matter subject to the discretionary action of, nor implementable by, the Army.

55. The "NEPA guidelines" (presumably, the CEQ Regulations) provide for analysis of an agency's proposed action and alternatives to the proposed action, including a no-action alternative.

56. Encumbrances affect each of the 12 study areas to varying degrees. Please see section 5.4.1.

57. Please see section 3.3.3 which states the policy adhered to in preparation of the EIS. Table 3-1 indicates the degree to which the community reuse plan has been incorporated into the analysis of the proposed action's environmental impacts.

58. Please see the discussion of Analytic Approach.

59. The Record of Decision has not yet been prepared. Factors influencing the ROD are stated at section 1.1, as well as other portions of Chapter 1 and the remainder of the EIS.

60. Appendix C indicates the potential uses to which the JPG may be put under USFWS custody and management. The Army declines to speculate on the duration of custody or management by the USFWS or any other entity or person after disposal.

61. The Army recognizes the limitations imposed on property reuse inherent in the encumbrances process. The types of limitations and their effects are explained in section 3.3.2.

62. The cited section reads "The Army will seek to avoid, reduce, or compensate for adverse impacts." The terms "avoid, reduce, or compensate" are taken from CEQ Regulations section 1508.20 ("Mitigation"). Mitigation includes "compensating for the impact by replacing or providing substitute resources or environments." Used in the manner intended by the Council on Environmental Quality, the term "compensate" should not be interpreted as indicating any intent of the part of the Army to provide the affected counties any lump sum payment based on alleged economic loss due to UXO contamination.

63. The Army believes sections 2.3 and 3.2 adequately describe the caretaker function.

64. Under the No Action Alternative, the Army will provide for caretaker operations until disposal.

65. Text will be amended to reflect the succession of the local redevelopment authority.

66. The Army believes that buildings not subject to utilities interdependencies are, all other things being equal, more marketable.

67. The Army is committed to full support of the President's Five Point Plan as described in section 1.5.1.3.

68. The Army believes that the discussion of the Pry or Amendment contained in section 1.5.1.4 is adequate and that the level of detail suggested exceeds what would be needed for the public's understanding of the process discussed.

69. The community reuse plan is not an alternative of disposal. Please see sections 2.4 and 2.4.1. Potential impacts of reuse have been evaluated in terms of high, medium, and low intensity land uses.

70. Encumbrances are identified and described in section 4.14. Inclusion of further detail would not materially aid decision making on disposal.

71. Please see the discussion of CERFA Report Status.

72. Please see the discussion of Hazardous Waste.

73. Please see the discussion of Hazardous Waste.

74. The cited paragraph will be amended to include "As appropriate, utilities easements will be referenced in or incorporated into property conveyance documents."

75. Comment noted.

76. The addendum to the community reuse plan contained in Appendix B represents the latest iteration of community reuse planning. The Army believes that as events continue to unfold, changes to the community reuse plan will be made by any of several parties involved in the reuse process.

77. The "Interlocal Cooperation Agreement," forming the Jefferson Proving Ground Regional Development Board (contained as an appendix to the community reuse plan dated July 1994), was executed on September 24, 1993.

78. The Army will provide for caretaker operations until disposal. Please see section 2.3 and 3.2 which describe the caretaker function.

79. Section 3.3.2 should be read in conjunction with section 4.15. These section provide an adequate description of encumbrances and allow analysis of impacts.

80. The Army will provide for caretaker operations until disposal. Please see sections 2.3 and 3.2 which describe the caretaker function.

81. Data are provided in current dollars.

82. For any portion of the JPG that is leased or transferred, occupants will be required to obtain their own fire protection. For those portions of the JPG under Army cognizance, appropriate fire protection will be provided via agreements with the local volunteer fire departments. Plans for the JPG fire department have called for its cessation of operations on June 30, 1995, with relocation of equipment and personnel to other government installations. Concurrently, on July 1, 1995, the government would enter into an agreement with two local fire departments to provide fire protection services for JPG until the time of final disposal.

83. The Army will provide for caretaker operations until disposal.

84. Section 3.3.2 identifies the Army policy not to expend funds to unencumber property solely to increase its market value.

85. Figure 4-11 b ("Identification of CERFA Parcels (South of Firing Line)") and Figure 4-12 ("Estimated Distribution of UXO") represent the Army's judgment as to the location and concentration of UXO at the time of this study's preparation.

86. Investigations into the possible presence of and response appropriate to UXO have been

undertaken. As a result, the Army is able to inform the public, as well as is currently known, of the presence of UXO south of the firing line. Please see Figure 4-11 b ("Identification of CERFA Parcels (South of Firing Line)") and Figure 4-12 ("Estimated Distribution of UXO") represent the Army's judgment as to the location and concentration of UXO at the time of this study's preparation.

87. Please see the discussion of Hazardous Waste.

88. Please see the discussion of Hazardous Waste.

89. Please see the discussion of *CERFA Report Status*.

90. Please see the discussion of Hazardous Waste.

91. The Army respectfully declines to speculate on future regulations within the jurisdiction of another agency. Until such regulations might be issued, the Army will continue to take those measures deemed necessary to protect human health and the environment.

92. The Army does not believe the cited references are contradictory.

93. Please see the discussion of *Depleted Uranium*.

94. Please see the discussion of *Depleted Uranium*.

95. Please see the discussion of Depleted Uranium.

96. Figure 49 indicates wetlands that have been identified at the JPG. Current regulations preserve wetlands themselves; they are less effective in controlling activities on adjacent properties having potential to impact the wetlands. In appropriate cases, the Army may find it desirable to include restrictions in property conveyance documents to provide for added protection of these resources.

97. The Army supports the President's Five Point Plan (please see section 1.5.1.3) and intends to dispose of the property in a timely manner, in parcels if need be, so as to facilitate reuse of the property. Caretaker operations may be a necessity for some indefinite period.

98. Please see the discussion of *Level of Detail*.

99. The long term land use and socioeconomic impacts of the disposal alternatives are addressed in section 5.4.2. Please see also Table 5-2a. The Army expresses no opinion on characterization of property reuse north of the firing line as creating a "void" or "long-term liability to the region."

100. The Army recognizes its accountability concerning and obligation for remediation of hazardous waste sites. The Army will continue to exercise its best judgment over expenditures required concerning this obligation.

101. Please see the discussion of *Level of Detail*.

102. The Comment mis -quotes the text at section 5.4.4 which predicts "...long term adverse impact to public health *and safety* as UXO is detonated" (emphasis added).

103. Please see the discussion of *Hazardous Waste*.

104. The Army agrees that availability of infrastructure is important to economic development opportunities. Section 5.4.5 states the Army's recognition that, in Study Area 2, continued utilities interdependencies could retard growth. That is, manpower and other resources needed to operate the

utilities may represent relatively high costs when, in the early stages of development, there are fewer "customers" available to share the burden.

105. The Comment mis-quotes the text at section 5.4.15 which refers to "...remedial investigations occurring in Study Area 1 (*portions south of the firing line*) and 2" (emphasis added). The Army does not believe there are remedial investigations of which the community has not been informed.

106. The Comment misrepresents the text at section 5.6, which noted that "*coordinated development* in the area could occur only if planning authorities of the counties worked together" (emphasis added). The Army understands that reuse may proceed by the action of individual counties.

107. The cited Executive Order does not define "low income populations" in terms of income levels.

108. The Comment mis-apprehends the text at section 5.7 which provides that "...the *disposal method itself* would not create environmental impacts" (emphasis added). The Army is taking action, independent of this EIS, to evaluate matters raised in the Comment.

109. Please see the discussion of *Analytic Approach*.

110. Please see the discussion of *Level of Detail*.

111. Please see the discussion of *Analytic Approach*.

112. The general descriptions of reuse activities and their proposed locations are insufficient to permit analyses as advocated. To date there have been no cleanup activities conducted that are related to specific redevelopment possibilities; rather, cleanup actions have and will continue to be performed to meet the requirements of applicable laws and regulations. The Army declines to warrant the suitability of JPG property for particular commercial uses. The Army recognizes that its obligation with respect to UXO differs from a presumed responsibility to assure a future owner that the property is adequate to support his intended uses. In the example cited (suitability of property for a landfill), investigation of all geological conditions would represent Army investment of resources to improve the marketability of a parcel and would, therefore, contravene the policy stated at section 3.3.2.

113. Please see the discussion of *Level of Detail*.

114. Please see the discussion of *Caves*.

115. The Army declines to speculate on the level of demand that may develop among state governmental, local governmental, and private entities for future use of the JPG.

116. The Army declines to speculate on the outcome of ongoing discussions concerning potential classification of UXO and future regulations within the jurisdiction of another agency. Until such regulations might be issued, the Army will continue to take those measures deemed necessary to protect human health and the environment.

117. Please see the discussion of *Analytic Approach*.

118. Section 5.5.12 indicates that high intensity reuse would result in long term significant adverse impacts to biological resources in six of the study areas and that medium intensity reuse would result in adverse impacts to biological resources in five study areas. These predictions implicitly recognize the values of the biological resources in the areas mentioned. The Army is not persuaded that elaboration on "scale" would materially contribute to the analysis.

119. Section 5.5.15 serves as a starting point to identify actions that successors of the Army may

employ to conserve and protect the JPG's resources.

120. As a member of the communities in which it is located the Army must be circumspect in its efforts to treat all divergent views equally. The Army believes that it has adhered to applicable requirements in providing information to the public concerning this and other proposed actions. Reporting on or attempting to evaluate "social controversies" flowing from the Army's announcement of its proposed actions is beyond the scope of the document.

121. Please see the discussion of *Analytic Approach*.

122. The Army is not "withholding" transfer of property to the USFWS. Negotiations between the USFWS and the Army for transfer of the JPG are ongoing.

123. Comment noted.

124. Zoning decisions for Jefferson, Jennings, and Ripley counties are within the sole province of officials of those counties. Zoning and land use planning decision may benefit from studies such as this EIS.

125. Federal laws and regulations (please see section 2.2.6) prescribe the measures that the Army must take to dispose of property previously contaminated by hazardous waste or, in the interim, to lease such property. The Army is obligated to adhere to such measures designed, in part, to provide for the continued assurances of the health and safety of community residents.

126. Negotiations between the USFWS and the Army for transfer of the JPG are ongoing.

127. The Army believes that the zoning authority exercised by local officials is sufficiently flexible to respond in a timely manner to disposal decisions and events as they occur. The Army declines to suggest to the counties what may be in their best interest.

128. Please see the discussion of *Level of Detail*.

129. Wastes potentially subject to remedial action are described in section 4.14, and their potential impacts on disposal and reuse are analyzed in Chapter 5. The Army recognizes that these wastes must be either fully remediated or that, consistent with Section 120(h) of CERCLA, remedial actions approved by cognizant regulatory agencies must be underway prior to transfer of the property.

130. Sources depicting wetlands did not disclose minor tributaries in the same detail as other general maps available to the document preparers. Neither figure is drawn to scale.

131. The FEIS will use best available copies for reproduction.

132. Please see the discussion on *CERFA Report Status*.

133. The Army included reference to the cited draft report because it identified 85 solid waste management units.

134. Please see the discussion of *Analytic Approach*.

135. Section 2.4.2 recognizes the potential obligations of future property owners to analyze environmental impacts of their own proposed reuse actions. The Army declines to speculate or commit to courses of action that may be selected by entities whose actions are beyond the control of the Army.

136. Conclusions reached in section 5.5 are based on evaluation of existing conditions (presented in

Chapter 4) in light of projected high, medium, and low intensity reuse scenarios. Descriptions of the parameters for the impacts are provided in section 5.2.

137. The suitability of the airfield at the JPG for like-kind reuse is subject to several matters, including the outcome of SWMU investigations. Funds for runway repairs, FAA approval of flight operations, surrounding uses, and local zoning decisions will also bear on the ultimate use of the site.

138. The Army recognizes that SWMU investigations could affect reuse decisions pertaining to current cemetery locations but is uncertain whether additional graves would be placed at those sites.

139. The Army is committed to performing appropriate corrective actions. The Army declines to speculate whether future uses would result in activities requiring their own corrective actions.

140. Negotiations are underway between the Army and USFWS for transfer of land north of the firing line. The USFWS's awareness of the potential impacts of UXO on the feasibility of its proposed reuse are evident in Appendix C (as enlarged by inclusion of information made available since completion of the DEIS). An interagency transfer of the property would not involve use of a deed having restrictive covenants per se.

141. The Army believes that, in the absence of specific reuse proposals, speculation on the universe of environmental compliance obligations of future owners does not materially aid in its decision making. The Army's recognition of encumbrances does, however, provide a useful starting point for future owners' consideration of factors that may circumscribe their proposed reuses.

142. Please see the discussion of Hazardous Waste.

143. Sections 2.4.2 and 3.4 specifically recognize the currently imperfect development of reuse scenarios.

144. The EIS does not imply the applicability of RCRA to less than the entirety of the installation. The Army does not agree that RCRA will necessarily apply to all future owners' or operators' activities occurring on JPG property. Scenarios can be constructed in which RCRA would not apply to future owners of portions of the property. The degree of acceptance by the USFWS for responsibility for corrective action related to sites having contamination caused by Army activities remains subject to negotiations between the agencies.

145. Not coincidentally, the Army has listed UXO first among encumbrances identified in section 4.15. Details as to the degree of potential risk to human health and wildlife remain to be fully understood, pending refined development of the USFWS proposal, negotiations between the agencies, and further remediation action-related investigations north of the firing line.

146. Please see Appendix C (as enlarged since publication of the DEIS) for further information concerning the USFWS's request for transfer.

147. Please see Appendix C (as enlarged since publication of the DEIS) for further information concerning the USFWS's request for transfer. The Army declines to comment on EPA's evaluation of the acceptability of the USFWS plan for use of property as a wildlife refuge.

148. Officials of the agencies entering into the MOA did not believe that, at the time of the document's execution, there was a need to include a map delineating the locations of agricultural leasing areas. Omission from the MOA of reference to RCRA requirements should be not interpreted as an indication of the Army's intention to disregard them.

149. As stated in section 4.14.2, the inclusion of the information in Appendix G is for the purpose of

providing "...general information on the location, status, and potential or intended actions" respecting hazardous waste sites identified at the installation. The Appendix contains neither recommendations nor evaluations of recommendations by other federal or state regulatory agencies. The Army fully recognizes that the information contained in the Appendix is subject to refinement as additional studies in the regulatory remedial process occur.

150. The Army is committed to its obligations respecting historical resources, as set forth in the MOA included as Appendix D. The Army has contracted for preparation of a Cultural Resources Management Plan, with completion anticipated in September 1995. How the consultant's recommendations (such as application to the SHPO for nomination of the entire cantonment area as a historic district) might comport with proposed reuses remain to be seen.

151. As noted in section 2.2.5, the Army and the USFWS are cooperating to ensure recognition of and adequate management measures for biological resources at the JPG. To date, no studies have specifically addressed current and future impacts UXO may pose for biological resources. As a result of the public review process for the DEIS, the Army is adding an encumbrance recognizing endangered species concerns. It is not believed that detailed analyses of such potential impacts of UXO need to be conducted to render decisions on the Army's present proposed action.

152. Please see the discussion of *Hazardous Waste*.

153. The Army believes it is in compliance with applicable requirements concerning the disposition of asbestos.

154. Reuse analyses are based on intensity levels rather than specific land use proposals that may occur in each Study Area. Potential impacts of reuse based on intensity levels are analyzed for each Study Area. Potential impacts on air quality are assessed at section 5.5.10.

155. As noted in section 4.14.4, 7 of the JPG's 252 transformers contain PCBs in excess of the TSCA threshold. Caretaker actions described in section 3.2 will include attention to the condition of all electrical equipment. Whether specific transformers will convey upon disposal and management practices with respect to them remain to be determined.

156. Please see the discussion of *Hazardous Waste*.

157. Army officials are coordinating with both the U.S. EPA and IDEM to reach agreement on the Remedial Investigation.

158. Please see the discussion of *Level of Detail*.

159. The JPG consists of 55,264 acres and the cantonment area is approximately 4,320 acres, resulting in there being approximately 50,944 acres north of the firing line. The approximate sizes of the 12 Study Areas are shown in Figure 2-4.

160. Please see the discussion of *Level of Detail*.

161. Please see the discussion of *Hazardous Waste*.

162. Please see the discussion of *Level of Detail*.

163. Full examination of potential groundwater contamination is not necessary to determination of encumbered versus unencumbered disposal of the JPG. Groundwater at the JPG is not used as a potable water source. Section 4.14 and figures accompanying that text identify and describe sources that may potentially affect groundwater.

164. Please see the discussion of Level of Detail.

165. The Army declines to comment on either the contents of rules under consideration by another federal agency or their possible effects on future users of the facility. The Army expresses no opinion on the EPA's apparent intention to deny a land use proposal not yet submitted to that agency.

166. Comment noted.

167. Please see the discussion of Level of Detail.

168. Please see the discussion of Hazardous Waste.

169. Please see the discussion of Caves.

170. Figure 4-13 for the FEIS will be amended to reflect more accurately the location of the DU range.

171. The DU range, as well as several former landfills, are cited in Appendix G.

172. Section 4.14.3 refers to Figure 4-12 as a representation of "...probable locations of UXO," and the Figure is captioned "*Estimated Distribution of UXO*" (emphasis added). Refined information concerning UXO will be provided in future studies based on archival research as well as other means of ascertaining the location of UXO.

173. As stated in section 4.13.2, the UXO remediation costs were reported in the Cleanup and Reuse Options Study (1992). Discussion of the cost estimates and inclusion of Table 4-12 are intended to provide information on the extent of the UXO and to point to some of the resource allocation decisions facing the Army and potential users of the property. Inclusion of the methodologies used to obtain the cost estimates appears unnecessary to understanding to the issues at hand.

174. Section 4.14.1 indicates the JPG's authorization to conduct thermal treatment of propellants and explosives at open burning and open detonation facilities. The rationale for the permitting does not appear to be relevant to the issues at hand.

175. Please see the discussion of Hazardous Waste.

176. Please see the discussion of Hazardous Waste.

177. Please see the discussion of Hazardous Waste.

178. The Army agrees that final decisions regarding UXO have not been reached.

179. Section 4.15 states "The JPG conducts semiannual groundwater sampling from nine impact area wells and two background well; to date, no analyses have shown migration of radioactive materials through soils to groundwater." As to potential DU contamination of groundwater, the Army is constrained by the facts of record. EPA's suggestion that facts may be otherwise is conjecture. Potential contamination of surface water remains subject to evaluation as noted in section 4.15.

180. The Army believes hazardous waste issues are adequately addressed in sections 5.3.14, 5.4.14, and 5.5.14 (each captioned "Hazardous Materials and Hazardous Wastes"). Section 5.5.14 states that "...the Army is committed to remediating all hazardous conditions associated with contamination caused by past or present activities on the JPG" (emphasis added). Specific delineation of Chapter 5 of Installation Restoration Program activities, as opposed to RCRA-driven activities, has not been deemed necessary to aid understanding of the alternatives under consideration..

181. Since it was the Jefferson Proving Ground Regional Development Board, not the Army, which prepared the community reuse plan, the Army declines to comment on that document's sufficiency or consideration of all available topics as might be imposed by EPA. The Army has addressed RCRA and CERCLA issues in its evaluation of potential reuse scenarios.

182. The Army declines to comment on whether or how other federal agencies might enforce the applicability of regulations on future users of the JPG property.

183. The Army's hazardous waste encumbrance provides a means for assuring that future activities in the vicinity of past site uses would be screened to assure the continued safety of property users.

184. Figure 4-11 b indicates areas in the vicinity of the airfield that potentially pose hazardous waste cleanup issues.

185. Section 4.5.6 notes that the State of Indiana has approved JPG's closure plan for the Gate 19 Landfill. Construction of the landfill cap commenced in June 1995.

186. Appendix G is included in the EIS to provide a foundation for understanding the magnitude and nature of the hazardous waste sites throughout the JPG. The Army recognizes that information concerning these sites continues to be refined as additional investigatory steps are taken. It is anticipated that issues raised relative to each of the Comments will be addressed in the context of appropriate ongoing or future remedial action studies.

187. The Army declines to speculate on the intentions of surrounding law enforcement agencies to maintain the mutual aid agreement recited in section 4.4.1. Upon closure, security at the JPG will be provided as a function of caretaker status. It should be noted also that on April 15, 1995, the Governor of Indiana accepted retrocession of exclusive federal jurisdiction to concurrent jurisdiction for the entire JPG property.

188. The Army declines to make public, and thereby compromise, the security plan that will be implemented in conjunction with execution of caretaker responsibilities.

189. Section 3.2 specifically indicates the Army's intention to maintain perimeter fences.

190. The Army does not agree that construction of new roads will necessarily require fencing or that fencing alone would be adequate in certain circumstances. Security measures to protect the public or future owners from potential hazards of UXO, from interference with ongoing remedial measures, or from exposure to other potentially hazardous sites will be evaluated on case-specific bases. In understanding its obligations for continued security and protection of human health and welfare, the Army will not limit itself merely to fencing but will consider a whole range of controls appropriate to each situation.

191. The Army believes the term "controlled access" is sufficiently generally understood so as not to require detailed explication.

192. Please see the discussion of *Level of Detail*.

193. Please see the discussion of *Level of Detail*.

194. The Army, recognizing that the USFWS has jurisdiction by law and expertise concerning protected species and other biological resources, has worked diligently with that agency. As indicated in section 2.2.5, the Army and the USFWS are working together closely for the identification and protection of biological resources at the JPG. Please see the responses also to Comments #21 and #23.

195. Survey actions appropriate to specific leases or property transfers will not be known until such

proposals are submitted. The Army is unable to agree with the suggestion that surveys will be required in every instance.

196. The Army recognizes the ecological importance of NTMB populations and has taken an active role in supporting their continued viability. The Army does not believe that analysis of potential NTMB habitat at the JPG and such habitat throughout the Midwest, in light of potential forest fragmentation, materially aids in decision of the issues at hand. Potential reuses are only generally defined. This, coupled with poor predictability of how much forest fragmentation might occur at the JPG as a result of those reuses, makes estimates of cumulative impacts highly speculative. It is noted that reuse of the majority of the installation as a wildlife refuge, under the management of the USFWS, holds considerable promise that there would be no forest fragmentation.

197. The Army, recognizing that the USFWS has jurisdiction by law and expertise concerning protected species and other biological resources, has worked diligently with that agency. As indicated in section 2.2.5, the Army and the USFWS are working together closely for the identification and protection of biological resources at the JPG. Survey actions appropriate to specific leases or property transfers will not be known until such proposals are submitted. Please see the responses also to Comments #21 and #23.

198. Please see the response to the preceding Comment.

199. The Army is constrained with respect to implementation of mitigation measures upon reuse. The Comment suggests a degree of control over reuse and attendant mitigation that exceeds the Army's authority. Section 5.5.15 states that "Specific mitigation actions are not proposed for the general intensity-based reuse scenarios evaluated in the EIS," and in that section the Army recognizes "...general mitigation actions which could be taken by other parties to reduce impacts of their actions." (emphasis added).

200. As indicated in sections 2.3 and 3.2, the Army recognizes an ongoing obligation to protect human health and the environment, both presently and in the future during caretaker operations. It is anticipated that the Army will provide for those measures needed to ensure the attainment of health and safety protective of goals implicit in the Comment. The particular form those measures will take requires evaluation in light of case-specific circumstances which are, at present, too numerous and varied to be usefully included.

201. Please see the response to the preceding Comment. Implementation of measures needed in recognition of encumbrances will be tailored to the specifics of each situation insofar as known by the Army at the time of leasing or transfer of property.

202. Please see the response to Comment #23.

203. The Army does not agree in the efficacy or necessity of restricting all types of terrain disturbance within one-half mile of water courses in order to provide for the continued protection of the Indiana Bat. In some cases, one-half mile may be insufficient for the intended protection and in others such a buffer may be excessive. The Army anticipates that, in consultation with the USFWS as appropriate, it will apply restrictive covenants tailored to proposed activities.

204. The Army is committed to its obligations under the MOA contained in Appendix D. Potential use of restrictive covenants in addition to those recited in the MOA may be considered based on the results of current and planned additional surveys and the details of land use proposals as they are presented to the Army at the time of leasing or property transfer decision making.

205. The Army will appropriately notify lessees and purchasers of the presence of asbestos in buildings.

206. Section 4.15 is enlarged to provide for an encumbrance pertaining to the protection of endangered species. The form and content of lease or deed provisions reflecting the encumbrances must await specific circumstances.

207. Please see the response to the preceding Comment.

208. RCRA does not specify certain prohibitions after successful closure of an open burning/open detonation site. Theoretically, a "clean closure" should allow nearly any reuse of a parcel of JPG property. The Army recognizes that site-specific aspects of open burning/open detonation units at the JPG may impair certain reuse activities, especially in an interim use scenario such as may be found in a leasing arrangement. The Army intends to adhere to its obligations under RCRA to meet all relevant closure requirements for its open burning/open detonation units. Evaluation of proposed reuses must be deferred, however, until there is opportunity for consideration of all site-specific factors.